

Re. : Response to Office Action Mailed December 22, 2004 &
Request for Corrected Filing Receipt
Appl. No. : 10/821,566
Filed : April 9, 2004

II. REMARKS

Claims 1-19 are currently pending in the application. The Office Action rejected Claims 1, 3-11, 14 and 16; and stated that Claims 2, 12, 13, 15 and 17-19 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

In response, Applicants added new Claim 21, which is original Claim 2 rewritten in independent form to include all of the limitations of the base claim and any intervening claims; new Claim 26, which is original Claim 13 rewritten in independent form to include all of the limitations of the base claim and any intervening claims; new Claim 27, which is original Claim 15 rewritten in independent form to include all of the limitations of the base claim and any intervening claims; and new Claims 28-30, which are original Claims 17-19 rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Applicants believe that Claims 22-25 are also be allowable at least because these claims are dependent upon Claim 21. Thus, new Claims 21-30 should be allowable.

In addition, Applicants amended Claims 1, 3, 4, 11 and 12; and added new Claims 31-32 to clarify, more clearly define and/or broaden the claimed invention, and expedite receiving a notice of allowance. Pursuant to 37 C.F.R. § 1.121(f), no new matter is introduced by these amendments. Applicants believe that Claims 1-32 are now in condition for allowance.

Please note that Applicants' remarks are presented in the order in which the issues were raised in the Office Action for the convenience and reference of the Examiner. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that

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Applicants' understanding and discussion of the references, if any, is consistent with the Examiner's.

Further, the following remarks are not intended to be an exhaustive enumeration of the distinctions between any particular reference and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and that reference.

Response to the Section 112, Second Paragraph, Rejection

The Office Action rejected Claim 14 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Office Action states that Claim 14 is redundant with Claim 4.

Although respectfully traverse this rejection, Applicants amended Claim 4 so that it is not redundant with Claim 4. Because the stated redundancy no longer exists, Applicants request that this Section 112, second paragraph, rejection be withdrawn.

Response to the Section 102(b) Rejection

The Office Action rejected Claims 1, 3, 4, 7-11, 14, and 16 under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 3,662,694 issued to Mitchell. The Office Action contends that the Mitchell patent teaches a table with a table top (11) and a leg assembly having first and second side rails (14), two pairs of brackets (35) and two pairs of legs (16). The Office Action also

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contends that the brackets are connected to a respective leg via links (32) and pivotally connected to a respective side rail (via member 26); and that the brackets are attached to the rails at a point spaced from the ends thereof and are connected to the opposing bracket via crossbars (17, 32). The Office Action further contends that the legs are parallel to the support rails when in a collapsed position (see Fig. 2) and include locking pins (41). Lastly, the Office Action contends that the side rails are attached together via crossbars (17, 18).

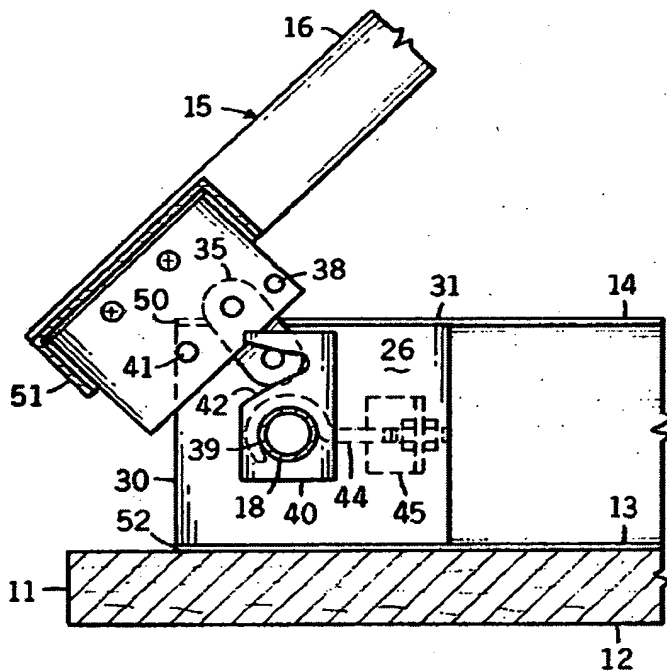
Applicants respectfully traverse this rejection because the Mitchell patent does not disclose each and every element of Claims 1, 3, 4, 7-11, 14, and 16. However, in order to further clarify, define and/or broaden the claimed invention, and expedite receiving a Notice of Allowance, Applicants amended Claim 1.

Applicants amended Claim 1, for example, to provide “wherein the elongated body of the first bracket is generally disposed parallel to and at least substantially proximate to the first side rail when the first leg is in the extended position, the elongated body of the first bracket being generally disposed at an angle and spaced part from the first side rail when the first leg is in the collapsed position.” Thus, Claim 1 now positively recites the **elongated body of the first bracket is generally disposed parallel to and at least substantially proximate to the first side rail when the first leg is in the extended position, the elongated body of the first bracket being generally disposed at an angle and spaced part from the first side rail when the first leg is in the collapsed position.** Similarly, the **elongated bodies of the second, third and fourth brackets are generally disposed parallel to and at least substantially proximate to the side rails when the legs are**

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in the extended position, the elongated bodies of the second, third and fourth brackets being generally disposed at an angle and spaced part from the side rails when the legs are in the collapsed position.

In contrast, the Mitchell patent discloses a table top member 11 with apron members 14 and leg units 15. Col. 2, lines 44-48. The Mitchell patent states each leg unit 15 includes an outstanding bracket member 32 and a link member 35 connects the leg unit 15 to the table top unit 10 by pivot pins 36 and 37. Col. 3, lines 15-31. As shown in Figure 5 of the Mitchell patent, the bracket member 32 is attached to the leg member 16 by two screws.



The Mitchell patent does not disclose a first bracket with an elongated body that is disposed generally parallel to and at least substantially proximate to a first side rail of a frame when the first

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leg is in the extended position, the elongated body being generally disposed at an angle and spaced part from the first side rail when the first leg is in the collapsed position. Similarly, the Mitchell patent does **not** disclose second, third or fourth brackets with elongated bodies that is disposed generally parallel to and at least substantially proximate to the side rails when the legs are in the extended position, the elongated bodies being generally disposed at an angle and spaced part from the side rails when the legs are in the collapsed position.

Because the Mitchell patent does not disclose each and every element of Claim 1, Applicants respectfully request that the Section 102(b) rejection be withdrawn. Additionally, Applicants request that this Section 102(b) rejection of Claims 1, 3, 7-11, 14, and 16 be withdrawn at least because these claims are dependent upon amended Claim 1.

Response to the Section 103(a) Rejections

The Office Action rejected Claims 1, 7-10, and 16 under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 5,259,305 issued to Korb. The Office Action contends that the Korb patent teaches a table (Fig. 1) with a table top (11) and a leg assembly having a first side rail (10), a pair of brackets (17) and a pair of legs (15). The Office Action also contends that the brackets are connected to a respective leg and pivotally connected to the side rail; and that the brackets are attached to the rail at a point spaced from the ends thereof. The Office Action further contends that the legs including locking pins (19) are parallel to the support rail when in a collapsed position. The Office Action notes that, for claim 1, Korb fails to teach two side rails, four brackets

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and four legs. But the Office Action concludes that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the table of Korb by using two leg assemblies under its table top, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art -- the additional leg assembly providing additional support for the table of Korb.

The Office Action also rejected Claims 5 and 6 under 35 U.S.C. § 103(a) as being unpatentable over the Korb patent in view of United States Patent No. 3,123,935 issued to Williams.

The Office Action first notes its prior contention that the Korb patent teaches the limitations of claim 1, including pivotally mounted legs under a table top. The Office Action acknowledges that the Korb patent fails to teach a drawer under the table top. However, the Office Action contends that the Williams patent teaches the use of a drawer (69) under a table top; and concludes that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the table of Korb by adding a drawer under its table top, such as is taught by Williams, to provide a storage means under the table top.

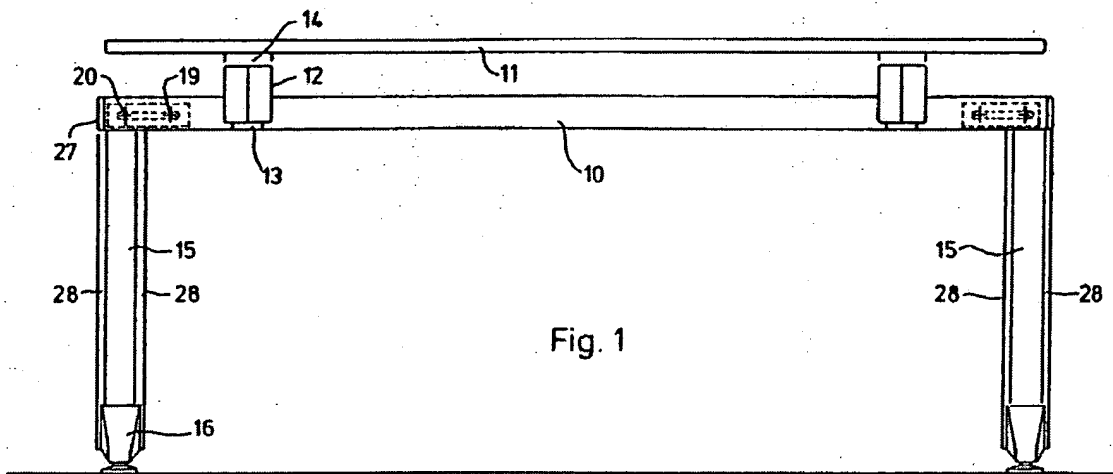
Applicants respectfully traverse these rejections because neither the Korb patent nor the Williams patent, either alone or in combination, teach, suggest or disclose each and every element of Claims 1, 5-10 or 16. In order to further clarify, define and/or broaden the claimed invention, and expedite receiving a Notice of Allowance, however, Applicants amended Claim 1.

For example, Applicants amended Claim 1 to provide "a first bracket including an elongated body with a longitudinal axis, a first portion of the first bracket being pivotally connected to the first

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side rail of the frame in a fixed position.” In addition, Applicants amended Claim 1 to positively recite “a first leg connected to a second portion of the first bracket, the first leg movable between an extended position and a collapsed position relative to the table top, at least a portion of the first side rail being generally disposed between the first leg and the table top when the first leg is in the extended position.” Thus, Claim 1 positively a first portion of the first bracket is pivotally connected to the first side rail of the frame in a fixed position. In addition, Claim 1 positively recites at least a portion of the first side rail being generally disposed between the first leg and the table top when the first leg is in the extended position.

The Korb patent does **not** disclose a bracket pivotally connected to a side rail of a frame in a fixed position. In addition, the Korb patent does **not** disclose at least a portion of a first side rail being generally disposed between a first leg and the table top when the first leg is in the extended position. In contrast, the Korb patent discloses a work table or office desk with a completely structure, as shown in Figure 1.



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Because neither the Korb patent nor the Williams patent, either alone or in combination, teach, suggest or disclose each and every element of Claim 1, Applicants respectfully request that this Section 103 rejection of Claim 1 be withdrawn. Additionally, Applicants request that the Section 103 rejections of Claims 5-10 and 16 be withdrawn at least because these claims are dependent upon amended Claim 1.

Request for Corrected Filing Receipt

The present application claims priority to three applications: one provisional application and two design patent applications. After claiming priority to and the benefit of the provisional application, the first paragraph of the present application explains that the present application is also continuation-in-part of each of the design patent applications:

This application claims priority to and the benefit of United States Provisional Patent Application Serial No. 60/461,492, entitled TABLE, which was filed on April 9, 2003. **This application is a continuation-in-part of** U.S. Design Patent Application 29/179,353, entitled TABLE, which was filed on April 9, 2003, and **this application is a continuation-in-part of** U.S. Design Patent Application 29/179,374, entitled TABLE, which was filed April 9, 2003.

See ¶ [001].

In contrast to the claimed priority, the updated filing receipt mailed September 9, 2004 erroneously states that U.S. Design Patent Application 29/179,353 -- rather than the present application -- is a continuation-in-part of U.S. Design Patent Application 29/179,374:

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Domestic Priority data as claimed by applicant

This application is a CIP of 29/179,353 04/09/2003
which is a CIP of 29/179,374 04/09/2003
This application 10/821,566
claims benefit of 60/461,492 04/09/2003

The filing receipt should read like the following:

Domestic Priority data as claimed by applicant

This application (10/821,566) is a CIP of 29/179,353 04/09/2003
This application (10/821,566) is a CIP of 29/179,374 04/09/2003
This application (10/821,566) claims benefit of 60/461,492 04/09/2003

Applicants respectfully request that the filing receipt be corrected to reflect the priority as claimed in the specification.

CONCLUSION

In view of the foregoing, Applicant submits that Claims 1-31 are allowable over the cited references and are in condition for allowance. Accordingly, Applicant requests that a Notice of Allowance be promptly issued. Applicant also respectfully requests correction of the filing receipt as explained above.


If any further impediments to allowance of this application remain, the Examiner is cordially invited to contact the undersigned by telephone so that these remaining issues may be promptly resolved.

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The Commissioner is authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 23-3178.

Respectfully submitted,

Dated: May 23, 2005

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